pr. 86-97

G. R. S. IX-5]

Previous references. 1897-8

~~192~~ .

(L R)

File No. 114

Serial Nos. 1613

Later references.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 1613

Major ~~Part~~ B for February 1901.

SUBJECT.

Appeal of Pullamahoandlivo regarding the Shanbhogi Watt of Lalgudi & other villages.

Indexed
K

WD 2238—GPB—20,000—11-6-20

Countermarked

Note.

L. R. 11 Appeal No 41 of 1897-98.

Appellants:—
1. Puttanna
2. Shamanna.

Respondents:—
1. Jammaya
.. Krishnappa.

Dispute regarding the Shanbhogi of Lakenhalli and other villages in the Gadaloor Taluk

—x—

This case was heard on the 28th February last. At the hearing the Revenue Councillor ordered verbally that the order passed in a certain case regarding the levy of the amount embezzled by a dismissed Shanbhogi, from the Shanbhogi that was appointed in his place should be put up with this case. I have a faint recollection that there was much

a case which arose in 1895,
and that court disapproved
of the Council's action in
drawing upon the amount from
the Savings. But the sums
due after payment of the expenses
of such cases have been
in the discretion of the Council
and some of the Municipal Councils,
and not the case could not
be traced. But another case
(Appeal No 138 of 1892-93) has been
found, which entirely accords
of part of 1895 (Appeal No 20)
declining to interfere in the collection
of the contested sums from
abroad. The rule [illegible] 1895-96-97
relating to this case is therewith
submitted.

Besides the above point, the Council wished that the opinion of the Secretary might be ascertained as

& whether in this case the first Court should not have been substituted as the subject matter of the claim consists of 2 Shanbogs charges & (2) the defendants are inconnected with each other

An authenticated copy of the Barabalu Regd A/1885-86 (filed in the Ver Record) shows that the 6 villages are divided into 2 charges thus

		Potsp
I	(1) Lalanahalli (2) Lalandevanahalli (3) Bagihalli	69-4-11
II	(1) Doranahalli (2) Chowkenahalli (3) Basavapatna	55-8-11

This fact is not clearly referred to in the Judgments of the lower Courts but the point was urged in the defendants' written Statement & the fact is clear by a reference to the Village Records

To remedy the omission, it is suggested that the stamp fee amounting to 30 Rs (in all the three Courts) should now be collected.

9.7.0

Int Journ
Mar 28 '95

The Venezuelan records
seem to show that a
simple petition filed the
office of Guardian of all
the Civil Registers within
the year 1888, & that
the Decision not to
change was duly
communicated to the
Petitioner & the
date of the rejection
of the 1st claim (Vide
Minutes of Session No
657 of 16-11-88 & the
Dy Commissioner's decision)
The Appellant appreciation
thus arose at a time
when two distinct claims
did not really exist.

Moreover in their
official petition to the
Dy Comm. the heirs
distinctly state that
of the remainder of
Minutes.

For these reasons
I am of opinion that
this technical objection
does not present cause

6

– Revelation at Nevi Cate
Hare on Bon Accordship.
29/3/98.

Ref'd to 2nd Counsellor
29/3/98

Rd 6.30 Pm.
29.3.98.

I am afraid
that can will
have to be referred
to Legal Dept
and discussed with
the Trust during
the process
of the
21.4.98

22/4/98

Noted
22/4/98

Jan 1998

Posted to 3rd June 98

9/5/98

Seen Mrs

98 - Programme of Events
for Hotel
and by Mrs Hare
to Legal Dept
Summer

6

Translation of the report from the Amildar of Pedatore Taluk to the Dy Comr Mysore Regarding the Boundary Dispute of Lalankalli Sirka No 6057 dated 16th Nov 1888.

In obedience to Order No 578 dated 10th Inst received from the Dist office in the matter of Investigation of Forest Money by Narasimhayya Shanbhog Amasta of Lalankalli Sirka Kasaba Hobli to the effect that separate report should be submitted as regards the disposal of the Amount and the appointment of a separate man for the office, beg to State with reference to the latter as follows:—

1. Having sent for Marathu Puttamma and his grandson brother Ramanna who claim

to do the Shanbhogi work with his brother-in-law and to have acquired sufficient experience in preparing accounts. I think the work will be satisfactorily done if these persons are appointed and each of them given a charge, subdividing this Firka consisting of 6 villages into two charges according to the Survey Superintendent's settlement. The Patkhia Potti system might be introduced here without delay, it cannot be given effect to now at only.

3. Ramanna and Ramakhadra have stated in their petition that they are the hereditary Shanbhogis of this Firka, that on their complaint in the Taluk Office in 1858, it was decided that the Shanbhogi should be to Ramakhadra - that they are both dayadis, that they should forego Rs 300 out of Rs 380 now embezzled and pay the balance after they are appointed

1. Yedatore Thimmayya
2. Lampapura Krishnappa
3. Yedatore Ramanna
4. Do Ramakkadevi

Office of the Tahsildar

The marginally noted individuals agreed to hypothecate their property and submitting a list showing their property prayed that they might be appointed to look after the work. No application was received from any one with a deposit of the amount in cash. Of these:

1. Yedatore Thimmayya is reported to possess sufficient property, to be a hissedar of Shanthagiri of Chandagal village and as having share the duties of the Shanthagiri of the village in getting help in other work.

2. Lampapur Krishnappa is not a very wealthy man but his mother-in-law Thayappa Shanthagiri of Sira village has agreed to pledge some of property out of the one, and the said Thimmayya is work

themselves to be Amildars
informed them of the nature
of the order. They depose
to the effect that they were
unwilling to pay the amount
now embezzled and also
that which might be reported
as being embezzled - but
that they would please Satis-
fiant property - that if
this was approved they
might be appointed to
the office - that thereafter the
Govt might do as they pleased.
And Puttanna submitted
his petn on 2nd Inst stating
that he is not bound to pay
the money, as when Narasimhaya
was appointed to the office,
he first point his claims saying
that Narasimhaya was not
an honest and upright man
to do the duties, but he was
told that he would be Amildar
after the death of Nanjamma.
As these persons did not
agree to pay the money an
Ishtahar was issued informing
the public to apply to the

//

They pray that they may
be appointed to separate
duties. They have consulted
to by petitioners their respective
May this back the original
Final having given a true copy
thereof. Although according
to the Mukhtyi Mukhtari
belongs to Ramakhadia, it
will be seen from the copy
of the order 12/18 dated 23rd
February 1859 that the said
Final was appealed against
and set aside by the higher
court. Search was made
in the Court records to as-
certain the date of the state-
ment from the original
which was not forthcoming.
Pt. Tanna said that although
the Salak Final was set
aside by the higher court,
he has still his rights, But-
as the Final was of a remote
date and it was doubtful
why the same was not given
effect to, he was directed
that the embezzled amount
could not be raised from
him. They are offered to pay,
until he got his link declared

in his favour by proper
Court. As the revenue Sabha
list together with the Patri
and Amani accounts are
to be prepared, submitted hereto
Entire records and Solicit
early orders.

Mdu Revenue 11:6:98 23.12.98

All this having been forfeited
the claims of Shamanna and
Pattana cannot be entertained
Gundatore Thammayya and
Kampapur Krishnappa are
approved. Their properties
should be estimated and
a regular bond taken for
due performance of office
and pledging the properties
which it should be stated
may be sold by the Court
for security money like a
revenue demand.
The documents may be
on plain papers and should
be registered. The claims of
Shamayya and Ramachandra
are also rejected.

(Signed) J. Bhandarkar
Dy Comr

MM 15/12/98

Before the Government of Mysore.

Appeal No. 47 of 97-98

Appellant.	Vs	Respondent.
Main & Shamanna		Janimaya & another

Notice issued on Respt

25-10-00

2nd respt present
1st appll prays for adjournment on medical certificate

adv

25/10/00

Central Jail Press, Bangalore.—7-7-99.—302.

14

Before the Government of Mysore.

Appeal No. 47 of 1897-98.

Appellants.	Vs.	Respondents.
1. Puttanna		1. Ramaiya
2. Shamanna		2. Krishnappa

Appellant's notice served on the 2nd Respt.
1st Respt's notice affixed to his house on account of his absence.
2nd Respt personally served.

14-2-98.

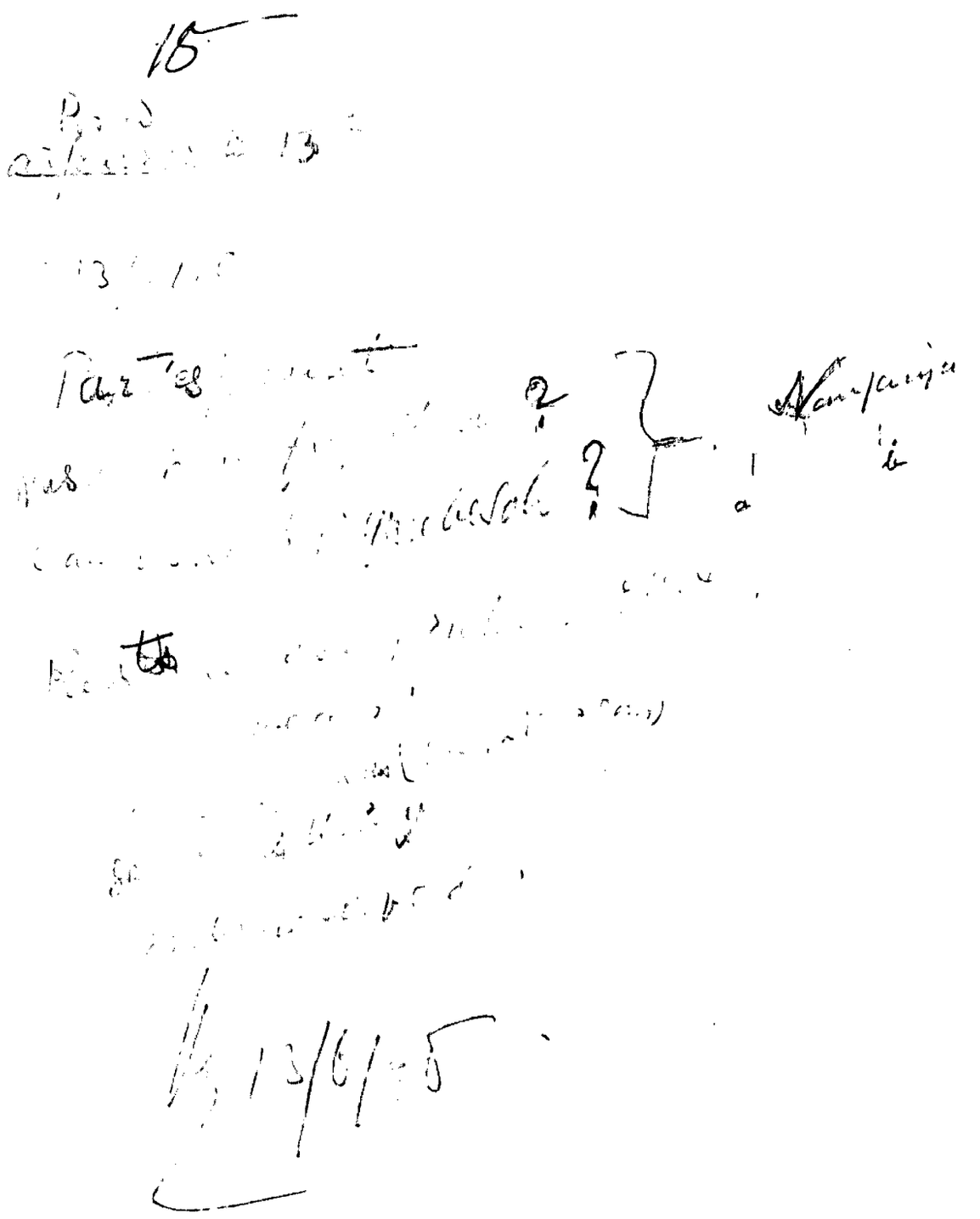
2nd Appellant & 2nd Respt present.
Others absent.
Case called & 28th inst. fixed for hearing
present informed of the date.

M 14/2/98.

28/2/98

1st appellant & 2nd respondent present
2 questions reserved for Consdn.

M 28/2/98



16

9155

Supreme Court Pb. No. 47 of 1899-98 Civil Suit
Parties Ramanna vs Tammanna & Venkatappa

Order

Hearing on this case has been deferred to enable the Examiner to enter upon the Examination of the witnesses & has an accord under the impression that the documents filed were sufficient for the hearing of the case. The fact is that some additional Evidence is necessary for the just determination of the several questions raised by the pleadings of the parties, some of which are mixed questions of law and fact.

17

Pāpō Jātu Nāyak
was the original Karnavar
of the Shanbāg Mm in
dispute. Whether he was
divided from Pāpō or not
the Evidence do not de-
clare. It appears however
from Pāpō's sister Sawmah
Nāyaneah
divided the Mm in
1858 and after his death in 1796
his widow Nāyaneah, who
was the last registered
male owner of the hak. —
Mahā Sāmrāj and
Pāpō were divided or
undivided in interest
does not appear from
the records — On the death
of Nāyaneah which took
place in 1883 the widow
Nāyaneah was appointed
by an order of Govt dated 23 Dec 1883
Karnavar and permitted
to leave the duties per-
formed by her son in law
Nāyaneah — the former Pāpō

Dutiana and Nanjamma
appealed against the
decree that Dasayya
was entitled - Vide Exhibit A.

Nanjamma took
objection to the Plaintiff's
address dated from 23rd Oct
1883 and that suit was
laid on 9th Oct 1895, just
a fortnight before the
expiration of the 12 years
prescribed by Article 11
of 2nd Schedule appended
to the Limitation Act - If the
previous institution by Plaintiff
of his own from 1858 to 1883
was also adverse to the
the claim would be
completely barred - If Plaintiff
did not abandoned on
intent ~~to prosecute that~~ would be relevant in this
~~suit he started address~~
connection
and on this point no
Evidence was taken

Nanjammals suit
was determined and the

ceased to Narasimha
from 23rd Jan 1888 when
Offs were appointed as per
Govt Mr Anandas'
order — Matter on the
suppression of this contingency
i.e, removal of Nanjammas
name from the register
of Samasthan, Offs were
Entitled to step in as
Nanjammas' reversioners
& the collateral heirs
of Sammeds, is the next
question for consideration —
Collaterals can only come
in, in the absence of lineal
descendants. In the course
of the arguments it was
represented by Sammeds
Counsel that Sammeds
daughters son was further down
than the seventh link
the ten at least entitled
to succeed after the 7th after
Nanjamma on failure
of Offs — This is also a point
on which evidence has to be taken.

Should omit this
& not express any
opinion at this
stage now

It is said that
376 men appointed on
then making part of the
certain sums embezzled
from Lamonta & Company
what sums were actually
embezzled and what
portion thereof was re-
covered from the other
parties from whom such
property must be ascertain-
Evidence will also be
taken on the point to
enable the Court to
the question whether on
the event of the Bank
vacate the Mortgage in favor
of legal Heirs of Company
they are not entitled to
be reimbursed the amt
paid by them —

The case will be afterwards
remanded to the Court of
for evidence being taken
on all the points indicated
above & thereafter with findings
finding on the merits

17.6.98 Mack

10.6.9

My dear Sir

I have made two slight alterations with the view of reserving all expression of opinion should they will meet with your approval -

I have signed the order

Yours very truly
Charles Swinfen Eady

17. 6. 98

My dear friend.

I send the
for approval.
Should and Eady
J. thinks a Threat
Ch upon if there
an reason for the appeal
decision of the appeal Co-
fail. If you often please
keep this order as it is
for my add any other
grounds you think proper

Yours
C. Swinfen Eady

16/6/98

Genealogical Table.

Nanjaiya

Nanjundaiya
alias Nanjaiya
Died in 1858.

Timmaiya Died prior to 1858.	Sannaiya Appointed in 1858. Died in 1879. = Nanjamma. Registered in 1883.	Puttaiya 1st Cliff.	Shamaiya. 2nd Cliff.

Nanjundaiya
Registered 1879
Died in 1883.

Received in person
To Refer Branch
Asstt. L.A.
11/12/97

Lr. R. 114 of 1897

No. 82 1586 A.S. No. 4/97

Name of Petitioner Puttamma & another

Village

Taluk

District Mysore

Date of Arzi

Date of Receipt 11-12-97

Date of Disposal

No. of Enclosure 2 documents.

Sir Inspector
(1) Regular appeal petition on Rs. 5 stamp paper
(2) The Judgments of both the Lower Courts are not produced
(3) The Judgment of the Deputy Commr. is of 11-9-97; 9 days taken in Asstt. Commr. Hk 25/12/97

1) Petition
2) Stamps sufficient
3) Record & petition in a regular suit for the recovery of land from the defendants Nanjundaiah & others & Khata in Jodinarasipura Hobli
4) Counsel Case

Sub Dy Commr
My 1/1/98

Rs 70/-
31/1/98

Returned to Asstt. Commr. Court
5/1/98

Q. M.
My 7/1/98

Brought
8/1/98

ABSTRACT

appeal against the order of the Dy Commr. of Mysore setting aside the petitioners' claims for Kanthoghu Haki of Kadamahalli & other villages in Kasba Hobli of Jodinarasipura

Ordered appeal against the order of the Dy Commr. of Mysore setting aside the petitioners' claims for Kanthoghu Haki of Kadamahalli & other villages in Kasba Hobli of Jodinarasipura

Ordered appealed against and the grounds of appeal in English -

Ck 27/12/97 The plaintiffs - Ps for Mains are the sons of the original Basavadar Nanjaiah. Both

P.T.O.

Def

for 30 years, the Tpff were in
the employment first of Shanjeah
& then of
his son Shamnath & then of
Shamnath's widow — as Shamnath
son died a minor
When Shamnath's widow was
the registered, her son-in-law
Ratan as Jamnabla but was
dismissed in 1888 for misappropriation
of Govt money.
Plaintiffs were then given
an opportunity of succeeding
to the office by paying up
the defalcated amount
but refused: Thereupon defendants were appointed on their paying up the amount
Thereupon appellants brought a suit in
1895 for recovery of the sum
The trial Court allowed the
claim but the order
has been reversed by the
Dist Court & Hence this
2d appeal

14/11/98

Shanjeah

x (died before Shanjeah)	Ratan Shamnath (died in 1888) m. Narayanma
	Shanjeendrah (died a minor in 1883)

Defendants are Shanjeah's
appointed in 1888 on paying
up the defalcated amount

Pet 051 P2 (2) 11-1-98

MYSORE DEWAN'S OF

PETITION DEPARTMENT

OFFICIAL MEMORANDUM.

The accompanying Appeal Petition

Registered No. 1566 dated ~~without date~~

received at the Dewan's Office from on 16.12.97

Rukmma and his brother Shamanna residing in Channapatna Mysore appealing against the order of the Deputy Commissioner Mysore rejecting the claims of the petitioners for the Shanbhogi of Lakkapalli and 5 other villages in the Kadaloor Taluk

is forwarded, together with its two enclosures, to the Deputy Commissioner of the Mysore District for submission of the entire proceedings connected with the case.

2. The petition with its enclosures should be returned.

By order,

for ~~Chief~~ Secretary.

BANGALORE,

14/1/1898.

8/1/98

M.G.C.P.B.—25-4-95—1,000

26

5211
Pet 383

1897-98

From (3)

The Deputy Commissioner,
Mysore District.

To A. D. 11677
8 3

The Secretary to the Govt. of Mysore,
Revenue and General Departments.

Dated 17
Despatched January 1898
Received

General No. 837
No.

Enclosure No. Petition for Sanads and two folios of records

Submitting certain Proceedings connected with the petition of Pattiranna and his brother Channanna residing in Channarayapatna Hobli, Arsikere Taluk, praying for the Grant of Sanads hereditarily in the Inam Lands of Taluk

Ref Pr 21/1/98

Read 24/1

Refer petitn.

AK 25/1/98

2)

No. 837
Enclosure No. Petition
and Statement filed
herewith.

DEPUTY COMMISSIONER'S OFFICE,
MYSORE DISTRICT,
Dated Mysore 8th January 1895.

To

The Secretary to the Government of Mysore,
Revenue and General Departments.

SIR,

I have the honor to submit herewith the entire proceedings connected with the petition of Puttanna and his brother Shamanna, residing in Chamarajpet in Mysore, regarding their claim for the Shanbhogi of Kalenahally and other villages in the Periapatna taluk.

The enclosures of your Memorandum under reply are herewith returned.

I have the honor to be,
Sir
Your most obedt servant

P. Matthew
for Deputy Commissioner
of the Mysore District

Copy for
Ref

28

Mr S. V. Amti
16/2/98

K-K 116-98

No. 2105/98

Name of Petitioner Pattanna s/o Bhim

Village

Taluka } Haveri

District }

Date of Arzi

Date of Receipt 15-2-98

Date of Disposal

No. of Enclosure one

Sir

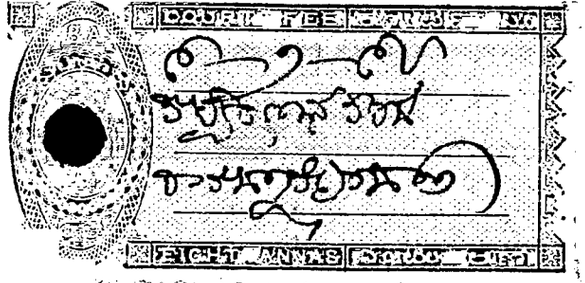
The case has been fixed to 25th inst. the petitioner (24th Sept) has been present on the 14th inst - has informed of the date of hearing. Adequate enough for making the stay in the case so Sir the file is put up

Sd/-
16/2/98

Abstract

State that the petitioner from Haveri informing that he is police case, received stating that his appeal against [illegible] by Commissioner be heard on 14-2-98 - but he is very ill at Karjagi in the Belur Taluk - and that he has enclosed a medical certificate & that he is consequently unable to attend on the said date - Prays that his case may be posted to some other date which may be convenient to him situated & Belur or by an Assistant decided to him at Karjagi wherein he may [illegible] with Counsel the is dated

Sd/-
16/2/98



MYSORE DEWAN'S OFFICE
PETITION DEPARTMENT
REG'D. No. 2104R
DATE 15-2-98

Local Fund Dispensary
Arakally, Bolar Taluq.
Dated 12-2-98

No

This is to certify that Puttaunah, a native of Mysore, door No 94, Collar Street, Chamaraja mohalla, Mysore, is under my treatment for acne, and he is not able to attend the court now as he may be able to attend to his ordinary duties in about 15 days time

Arakally
12-2-98

J. Varadanathiengar
Local Fund Hospital Assistant

36 ర.నం. 2104 (5) 16-2-

R.114-92

825

For Secretary

31

Proceedings of the Court of Mysore

(6) L.R. 114-97

Read :- S.C.

(1) Petition of Cipheard No. 1506 of 1897-98, presented by Puttanna and his brother Shamanna, residing in Kommarajapet Mysore, against the judgment and decree of the District-Court, Mysore dated, reversing the decree of the 5th Court, Mysore District, in Regular Suit No 5 of 1895-96 ~~the file of this Court~~, declaring that the Office was entitled to the Shanbhogi of Kaiambalu and other villages in question.

(2) The records received with letter No 837 dated 17th January 1898, from the District-Court Mysore District.

Order :- No 11934 P
E.P. 86-97 8/21.6.98
21

The enquiry in this case has been defective. No witnesses were

(1506)

Plaintiffs
1) Puttanna
(2) Shamanna

Defendants
(1) Shamanna
(2) Minister

In Regular Suit No 5 of 1895-96

were examined on either side. The Asst Coun't who tried the case dispensed with the examination of the witnesses & the court acted under the impression that the documents filed were sufficient to enable him to dispose of the case. The Court are, however, of opinion that some additional evidence is necessary for the right determination of the several questions raised by the pleadings of the parties, some of which are mixed questions of law and fact.

2. Plaintiffs' father Thingaraj was the original Karanakkar of the Mankhagi office in dispute. Whether he was divided from Plaintiffs or not the proceedings do not disclose. It appears, however, that Plaintiffs' brother Thangaya succeeded to the office

in

in 1853 and after his death, in 1879, his minor son Nanjundaiya was the last registered male owner of the lot. Thereafter Samaiya and Plaintiffs were divided & undivided in interest does not clearly appear from the recds. On the death of Nanjundaiya, which took place in 1883 his mother Nanjamma was, by an order of the Deputy Comm.r dated 23rd Oct. 1883, appointed Baravarddar and permitted to have the name performed by her son-in-law Narasimhaiya. The present Plaintiffs, Venkatamma and Thimmamma, applied to get the lot the record that Deputy Comm.r order was affirmed. Vide Exhibit 4.

5. Nanjamma took possession of the Thandabagi office intensely & Plffs from 23rd Oct 1883 and this suit was brought Oct. 1895, just a

fortnight

fortnight before the expiration of the 12 years prescribed by Article 124 of the 2d Schedule appended to the Limitation Act. If the previous possession by Sannaya and his son from 1858 to 1883 was also adverse to Plffs the claim would be completely barred. Whether Sannaya and Plffs were separated in interest would be relevant in this connection, but on this point no evidence was taken.

4. Nanjanna's heir was determined and she ceased to be Baramadas from 23d Dec 1888 when Defendants were appointed as per Dy Comm's Pet & Boards Rad order. Whether on the happening of this contingency i.e., removal of Nanjanna's name from the register of Baramadas, Plffs were entitled to step in as Nanjanna's reversioners and

the

the collateral heirs of Vanjamma,

is the next question for consideration.
Collaterals can only come in,
in the absence of lineal descendants.
In the course of the argument it
was represented by Defendants
that Vanjamma's daughter's son
was forthcoming. This is also a
point on which evidence has
to be taken.

5 It is said that Defts
were appointed on their making
good to Govt certain sums
embezzled by the Executors
of Vanjamma. What sums
were actually embezzled and
what portion thereof was
recovered from Defts and what
portion from Vanjamma's
property must be ascertained.
Evidence will also be taken on this
point to enable the Court to
decide the question whether
in

in the event of Dfts having to vacate the office in favour of legal heirs of Nanjamma they are not entitled to be reimbursed the amount paid by them.

6. The case will be remanded to the lower appellate court for evidence being taken on all the points indicated above and resubmitted with relevant findings within two months.

19/6/96

C1 & C2 Secretary

Draft
Bln
18/6.

To

The Deputy Commr, Bijapur Dist with records.

affirme in manuscript prepare press copy + open file

+ Press copy put up 21/6 + sent 23/6/96

(7) 37

REVENUE DEPARTMENT
Rs. 8 Gl. No. 857
AUG. 8 - 1898
No. 52
DEWAN'S OFFICE

From

The Deputy Commissioner,
Mysore District.

L R 114-97

To

The Secretary to the Govt. of Mysore,
Revenue and General Departments.

Dated 1st August 1898.

Despatched

Received

General No.

No. 118

Enclosure No. —

Respecting that the appeal-petition of Puttamma and Channamma to Government regarding the Shanbogi of Kalinahalli village, Gudalur Taluk, may be forwarded for reference.

Note V
6.8.98

Rec'd 8/8. 07 86 of 97 relating to the subject is put up

Submitted draft reply

AK 8/8/98

MK 8/8/98

28

No. 118
Enclosure No. —

Deputy Commissioner's Office,
Mysore District,
Dated Mysore 11th 1898.

To

The Secretary to the Government of Mysore,
Revenue and General Departments.

Sir,

I have the honor to request that you will kindly forward for reference the appeal petition of Puttanna and Shanmuga to Government regarding the Shanbogi of Adamahalli village, in the Yeddatora Taluk, returned with my letter No. 837 of the 18th January 1898 as the same is required for the Collector's of further evidence, as ordered in Government Proceedings No. 1134 Rev. F. 30.97 of the 21st June, 1897. Early return is Solicited as the case is adjourned to 22nd August, 1898.

I have the honor to be,
Sir,
your most obedt Servt

Deputy Commissioner
Mysore District

Compd:
mcu

(8) 39

1898-9

From
The Secretary to Government
Genl & Rev Departments

To
The Deputy Commissioner
Mysore District

Dated 9th
Despatched 15th } August-98
Received
General No. 110 P
P.P. No. 86-97

Enclosure No. 1 Return

With reference to his letter No 118 dated the 1st instant, has the honour to forward for perusal and return the appeal petition of Puttamma & Shamanna (No 1566) to Government regarding the Shanbhogai of Lr Lamanhalli village in the Yedatore taluk.

By order
Sd/- for Secretary

(9)

REVENUE DEPARTMENT
GL. No. 6257
PB 0 99
Pe 381
* DEPUTY COMMR'S OFFICE *

From

The Deputy Commissioner,
Mysore District.

To

The Secretary to the Government of Mysore,
General and Revenue Departments.

Dated

Despatched April 1899.

Received

Enclosures No.

General No.

Stating that the case in re the Shanbhogi of Kalenahalli and 5 other villages in the Yedatore Taluk has been adjourned to the 26th of this month.

Put up
10.4.99
Read
12/4.

O.M. 86 of 99 containing the above put up.

AK
13/4/99
Submitted
MK
13.4.99

41

No. 814

Enclosures No. -

OFFICE OF THE Dy Commr
MYSORE DISTRICT,
Dated Mysore 7th April 1899.

To

The Secretary to the Government of Mysore,
General and Revenue Departments.

SIR,

With reference to your docket No Jud 786-97 dated 8th march 1899 requesting an early reply to Government Proceedings No 11934 R.D. 86-97 dated 21st June 1898, I have the honor to report that the case in question had to be adjourned often owing to the non-appearance of parties and witness owing to the prevalence of Plague at Mysore. The case has been adjourned to the 26th of this month and the parties have been informed that no further adjournment would be given.

I have the honor to be,
Sir,
Your most obedient servant

Deputy Commissioner
Mysore District

Compiled,

42

(10)

G.O. No. 4771
Rev. Dept. 245
JAN 9
1900 DEC

FROM
The Deputy Commissioner
L.L. Mysore District.

To
The Secretary to the Govt. of Mysore
Revenue and General Depts.

Dated 24th January 1900.

Despatched

Received

General No. 689
No.

Enclosure No. Rec. Ver Records.

Submitting further findings in Revenue Regular Suit No. 5 of 1895-96 on the file of the First Asst. Comr. Mysore Dt., and appeal No. 10 of 1896-97 on the file of this Court.

Sub
mlg
1.2.1900

This must be
Referred for
hearing
Th 4/2/00

Pet
26.1.1900
Th

Dr 27/1/900

Dr 86 of 97 containing
reps to put up.

All
30/1/900.

No. 689

Secd No. / letter Recd.

Deputy Commissioner's Office,
Mysore District,
Dated Mysore 24th January 1900.

To

The Secretary to the Government of Mysore,
Revenue and General Departments.

Sir,

I have the honor to submit herewith further findings on the several points raised in Government Proceedings No. 11934 / Fel. F. 86-97, dated 21st June 1893 in Revenue Regular Kist No. 5 of 1895-96 on the file of the First Assistant Commissioner, Mysore District, and appeal No. 10 of 1896-97 on the file of this court in re the Shanbhogi of Lakanahalli and other villages in the Periyapatna Taluk.

2. The records of the case are herewith returned as per Margin.

I have the honor to be,
Sir,
Your most obedient servant

D Munro

Deputy Commissioner of the
Mysore District.

Compd. 4/1

Findings recorded by the Deputy Comr. Byrapur on the several points raised in Govt. Res no 11934 dated 2.nd June 98. Pet 7.86.97

Remand Appeal No. 13 of 1896-97 on the file of the Deputy Comr. Court in re- the Shanbhogi of Lalanahalli & the Village in the Yedatore taluk.

In the subject matter of dispute regarding the Shanbhogi of Lalanahalli and other villages in the Yedatore taluk, which case was remanded by Government to this court for further evidence being recorded, the following issues were raised

(1) Whether the Plaintiffs petition of appeal is barred from the Plaintiffs owing vide para 2 of Govt Res 11934 dated Pet 86-97 2.nd June 1898.

(2) Whether Ningamma widow of Sannaiah has a grandson by daughter?

3 What amount if any is embezzled by Narasimaiah

and between the Lands now made over
and the Town?

The Plaintiffs claim and the Plaintiffs are
entitled and always have been entitled
to the use of the Lands in question
for the purposes of a Public Park
for the Inhabitants of Savannah
generally, the Lands Commissioners, and
the Inhabitants of the City of Savannah
by the Plaintiffs.

The following documents were
tendered by the Parties.

By Plaintiffs.

Exhibit No 1 Copy of a Register of
Sale dated 29th March
1869 executed by Thomas Gibbons
Lord Pulteney, Sarah his
Shannonah, & Thomas Gibbons
Eden Grant & Charles.

Exhibit A Boundaries of the Property sold
by Grant for Public Park
Sale deed dated 1st April
1865 executed by Grant & others
in favour of the Mayor
etc. etc. &c

Exhibit B. Sale deed dated 31st
March 1865 executed by
Thomas Sarah Pulteney

and Shanmuga in favour of their brother Gurlepurial

Exhibit C Sale deed dated 29th April, 1866 executed by Annapha in favour of one Veeraya Gowda

By respondent

Exhibit D. Copy of registered sale deed dated 5th October 1870 by Annapha in favour of Boreddy Gowdah.

Exhibit E Copy of judgement in original suit No 353 of 1873 on the file of the judicial Assistant at Pilhalli

Exhibit F Extract from Chitta for 1330 showing amounts made good by defendants

All the exhibits above noted except exhibit No 1 produced by Plaintiff clearly point to the fact of the deceased Nanjappa his sons including the Plaintiff being divided. But exhibit No 1 produced by Plaintiff Puttanna does not refer to any division having been effected among them

of the date 17th Nov. 1869
the action Exhibited at B. & C. Cooper
& Transaction Arising & that Contract
in Exhibit 10 J. Upon this it
will be necessary that the Evidence
given by Mr Cole in which
all the Contracts & Agreements
were Discussed given by all the
Parties.
Exhibits A. & B especially the
Letter, Exhibit began A Should that the Letters
were Numbered as Divided &
Numbered. Exhibits E. Series particularly
to the Certificate Issued the Architect
Plus the Judgement of Cornish
dated 15th October 1873 in which
the Learned Judge after Discussing
the Facts & the Law Arrived
at a Conclusion both the
Plaintiffs Recovered & on the
Latter having Counter Claimed
were all Dismissed in 1869-68.
Should a Case be Stated
Certificate Copy of the Statement

then made by the Plaintiffs have been produced. Even without the question of partition is to my mind fully established, I must therefore find the first issue in the affirmative

As regards the second, learned Plaintiff's Counsel has himself admitted that Nanjamma has a grandson by her daughter Puttamma and so the 2nd issue must also be found in the affirmative

The total amount of money ~~claimed~~ sued for is Rs 558-3-6 and it was accounted for as shown hereunder:—

Rs 200-9-6	Received from the Estate of the deceased Gurumata Naraimbale
Rs 199-7-10	" from the Palagi due to the said Gurumata
Rs 73-8-0	from the sale of Nanjamma's property
Rs 53-4-9	Not credited by the accounts as the amount was shown against a wrong person.

R 64-11-5 1/3

Plaintiff's recovered on
counterclaim not
disturbed.

The record does not show that
any portion of the evidence at
trial was made part of
the Respondent's case of
No 33-3-4 but Exhibits 4 and 5 did
appear in the body of Judgment
was read by one of them
towards the contending claims
of certain individuals. Why
and under what circumstances
this was done the Respondent
have failed to show to
satisfactory. The above facts
explain the Points raised
in the 3rd issue.

Before concluding I may state
here that three witnesses were
examined, the Plaintiff &
whose one is his own brother

The oral evidence adduced regarding division is anything but satisfactory but as there is an overwhelming documentary evidence to prove the existence of partition among brothers I attach no value to the statement of witnesses.

15—1—1900

(32 86 97 Contempt of ct. in Criminal (Serial No 8)

All
30/1/900

To be placed in the file

1.2.1900.

57 4797
Pet 251
1899-1900

From

The Deputy Commissioner
Mysore district

LR. 116-97

To

The Secretary to the
Govt of Mysore
Revenue dept
Bangalore

Dated 24
Despatched
Received
January 1900

General No. 698
No.

Enclosure No. one

Has the honor to return herewith the appeal petition of Puttamma and Shanmanna (No 1566) to Government, regarding the Shanbogi of Lalandhalli village in the Yelandur taluk, forwarded for reference with your docket No 1101 Pet 86.97 dated 10th August 1898.

Deputy Commissioner
Mysore district

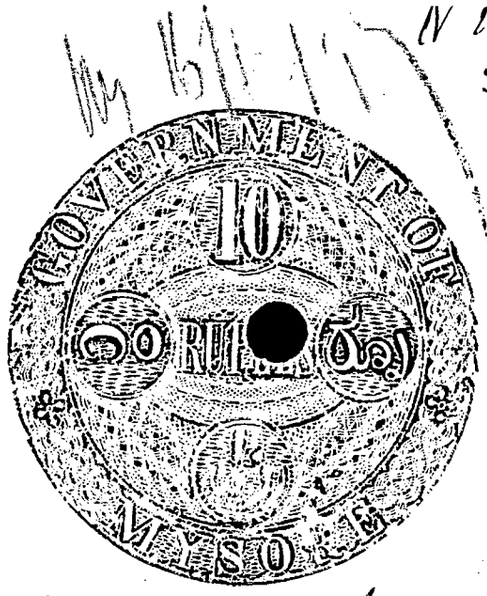
Compd

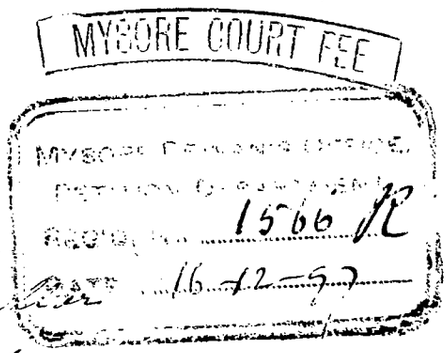
RO 29-1-900

27.1.1900

N 1506
52

Presented in the Court
16/12/97





In the Court of the Commissioner Mysore

Revenue Second Appeal No: 5/1897-98.

Appellant (Plaintiff)

Patrawala Guruvappa Bramanna
son of Sri Patrawala
residing at Channarayapatna, Mysore
Shamanna, Guruvappa Bramanna
carries on the appellants.

Respondent (Defendants)

1. Channarayi, Shamaiahgowda
Tahsildar and Collector, Channarayapatna, residing at Channarayapatna,
2. H. Krishnappa, Tahsildar of Channarayapatna, Channarayapatna, residing at Channarayapatna

The appellant above named begs to submit this appeal against the decision of the Deputy Commissioner, Mysore District, in Revenue Appeal No: 10/1896-97 reversing the order of the Assistant Commissioner, Mysore District, in Revenue Case No: 5/1895-96, for the following amongst other reasons.

1. That the Deputy Commissioner was in holding that the Appellants have forfeited their lease or right to the Channabetta tope in as much as they failed to comply with the requisitions of the Government to make good the amount required by Government, amounts, though it was matter of fact the appellants had repeatedly represented to Government that they could not be held responsible for Losses by a Stranger. The amounts were recovered by the date of the finding, inquiry and from the Ryots who were Liable for the Losses and realised by the present

Appellants

officials as allowed by the Deputy Commissioner though no evidence is on the record.

2. The Lower Court was in the view that the appellants were prohibited from claiming the office by the Legal Proprietors Estate, though the lease had been renewed from the record and Stamp Duty was not affected to the office.

3. The decision that the appellants are responsible for the acts of a third party, who was in no way related by them and on the other hand appointed without their knowledge, unreasonable and inequitable.

4. The Lower Court, having found that the appellants were unfair by Edwards and that the present suit had been instituted in time ought to have ordered the office to them in preference to the Respondents.

5. The appellants have clearly proved their case both by oral and documentary evidence.

6. The judgment of the Lower Court is against the facts and jurisprudence of the case. In the event after reading the appellants pray that they may be declared entitled to the Chamber pending the Ejectment

and

and other villages in the Kudala
kotty of Pudukkottai taluk and to
procure the offices from the Depart-
-ments as they (Representatives) are strangers
to the Nattar families.

Yours obediently

Before the Government of Mysore. (12) 55

Present P. N. Krishnamurti Esq. C.S.E
V. P. Madhava Rao Esq. C.S.E
Appeal No. 47 of 1897-98.

Appellants Vs. Respondents

L.R. 116-17
R. 12

Puttanna & Shamanna (Plffs.) Tammaiya Krishnappa (Defts.)

The facts of the case are briefly these. One Nanjiah was the Baramanadar Shanbogue of Lakanahalli and other villages in the Yedatore taluk. After his death, the Baramane was transferred to the name of his 2d. son Sanna in 1858 as the 1st. son having died before his father. Sanna died in 1879 and the Baramane was transferred to the name of his minor son Nanjundiah who dying in minority, his mother Nanjamma was made Baramanadar in 1883 and her son-in-law was appointed to work as her gumasta.

The plaintiffs who are the sons of the original Baramanadar Nanjiah protested against the appointment of Nanjamma's son-in-law Narasimiah stating that he was not a trustworthy man and was likely to misappropriate Government money, and begged that one of the brothers might be appointed in the place of Narasimiah. The Deputy Commissioner rejected the petitions and the Assistants have no power to interfere.

(vide Exhibits C & 7) Hence suit in the body of the deed

Rs. Consideration was paid to the plaintiffs

Central Jail Press, Bangalore,—7-7-99.—800

Subsequently Narasimiah was dismissed for misappropriating government money, and Ranjamma being answerable for the act of her servants was declared to have forfeited her Inam to the office by her decree dated 1858

Then the office was opened to the Plaintiffs on condition of their paying the money misappropriated by Narasimiah, but they declined to pay it as they had already represented to the authorities the circumstances of appointing Narasimiah. The amount was however recovered from the sale proceeds of Ranjamma's property and the office was declared to the present Ladies who were entire strangers to the family.

In October 1895 the Plaintiffs Puttamma and Shamanna filed a suit in the Court of the Principal Com.r, Mysore Sitz to recover the Shanbhogi office from the Defendants. That office decreed in their favour but on appeal the D. Com.r reversed that decree. Hence the present appeal to Govt.

Reasons for Judgment

Sub & to the 2nd in Council.
for ajjeroma
15/12/00

R. 15/12/00
844

The Dy Commissioner's
judgment proceeding
that of the 1st in Act Cause
cannot be upheld. The
respondents Ramaya
and Krishnappa are
otherwise strangers to the family
of the original husband
Ranjiah who died in
1885 and their application
in 1888 to the exclusion
of the appellants who are
the sons of Ranjiah by
~~his wife Ramadevi~~ who
~~was other~~ the Dy Commr
on the former occasion
to reimburse the amount
credited by Ramaiah
Gurumurthy of Ramamma,
the husband was
wrong and affirmed to
the policy of sort which
has found expression

in the decision of Sarah
in appeal No. 54 of 1894-95.
(Vide selection No. 61 of
1895, pages 166 & 167).
The appellants, putting forward
their claim to the Kanaboji
in question when the
registry was transferred
to Thirjamma's name
on the death of her minor
son in 1883, and they
also submitted from
time to time protests
against the appointment
and continuance of
Narasimmaja, her son-
-in-law, as Sirnadar but without effect
and in reply they were
informed that their
claim would receive
consideration when
the office became vacant
on the death of Thirjamma
or if she from any cause
forfeited her right. (Vide Exc,
and summoned to the 1st respondent
given by the Assistant Collector
dated 22nd January 1889
and Exh given by the same
officer, dated 30th March
1886). Thirjamma's suit

words omitted

Mr

having been declared forfeited in 1888 and the Sanadji ~~became~~ having to account vacant the Superintendent of Census has refused the claim of the applicants on the ground that they are not willing to keep up the ~~subscription~~ account and have invited applications for the post from persons such as were prepared to make good, ~~and to~~ ~~deposit~~ the ~~amount~~ ~~deposited~~ upon the applicants ~~him~~, in the ~~circumstances of the case~~, could not be held responsible for the destruction of the ~~property~~ records ~~of the Census~~ - the Widow ~~is~~ ~~not~~ ~~responsible~~ ~~for~~ ~~the~~ ~~destruction~~ ~~of~~ ~~the~~ ~~records~~ ~~and~~ ~~they~~ ~~were~~ ~~not~~ ~~necessary~~ ~~to~~ ~~the~~ ~~Census~~ ~~and~~ ~~could~~ ~~not~~ ~~be~~ ~~produced~~ as ~~they~~ ~~were~~ ~~destroyed~~ ~~by~~ ~~the~~ ~~Widow~~ ~~in~~ ~~the~~ ~~ordinary~~ ~~course~~ ~~of~~ ~~her~~ ~~duty~~ ~~and~~ ~~not~~ ~~with~~ ~~the~~ ~~intention~~ ~~of~~ ~~destroying~~ ~~the~~ ~~Census~~ ~~records~~ ~~in~~ ~~the~~ ~~least~~ ~~degree~~ ~~whatever~~ ~~and~~ ~~that~~ ~~the~~ ~~Widow~~ ~~was~~ ~~not~~ ~~aware~~ ~~that~~ ~~the~~ ~~Census~~ ~~records~~ ~~were~~ ~~of~~ ~~any~~ ~~importance~~ ~~whatever~~ ~~and~~ ~~that~~ ~~she~~ ~~was~~ ~~not~~ ~~aware~~ ~~that~~ ~~she~~ ~~was~~ ~~doing~~ ~~anything~~ ~~improper~~ ~~in~~ ~~destroying~~ ~~them~~ ~~and~~ ~~that~~ ~~under~~ ~~the~~ ~~circumstances~~ ~~of~~ ~~the~~ ~~case~~ ~~the~~ ~~Widow~~ ~~could~~ ~~not~~ ~~be~~ ~~held~~ ~~responsible~~ ~~for~~ ~~the~~ ~~destruction~~ ~~of~~ ~~the~~ ~~Census~~ ~~records~~ ~~by~~ ~~the~~ ~~Sanadji~~ ~~that~~ ~~it~~ ~~would~~ ~~not~~ for rejecting the claim of the applicants on the ground that they were not willing to keep up the account and have invited applications for the post from persons such as were prepared to make good, out of the emoluments of the post, the deficit in the Census accounts caused by the destruction of the records by the Widow.

The appointment of the applicants should have been given by the Darbar. It was irregular on the part of the Darbar

The appointment of the applicants cannot be recognized and the Darbar should refuse from the first that they have not even the recommendation of Mr. Lamb, and the amount claimed should be refunded by the Darbar.

× This should be referred to Govt.

2/1/07.

the clause of the agreement that it would be a breach of faith on the part of Govt. now to resume the possessions in the Province of the appellants is undeniable, more especially when the former owners, as is apparent from the third finding, appear to have made good any portion of the defalcation amount. The decision is therefore reversed and that of the Supreme Court restored. The appellants are accordingly decreed, as against the respondents, Trustees of the two Church circles in question, and they should be registered as Trustees, each being appointed by a circle by the Governor as officiator.

Rec. 5/11/01

Brussels 19/2/01

Sent to the Privy Council for approval. L.

No. 673/ 1901-07

(219) 14/12/00

Rec'd from Privy Council 19-11-00.

Approved 17/12/00

6.1.01

Returned to Privy Council 21/1/01

6-2-1901

(11)

L.R. 114-9

SL 13

B. J.

Mrs. 4/11/01.

No. 1566 — For Levy.

Received from [illegible] — [illegible]

Rs. 15/1/1901

Accountant
28.1.01

Proceedings of the Government of Mysore, Petition, dated 6th February 1901.

BEFORE THE GOVERNMENT OF MYSORE.

Appeal No. 47 of 1897-98.

PRESENT:

P. N. KRISHNAMURTI, Esq., C.I.E., Member of Council

AND

V. P. MADHAVA RAO, Esq., C.I.E., Member of Council.

Appellants. *Versus* Respondents

Puttanna and Shamanna (Plaintiffs). Thammaiya and Krishnappa (Defendants).

The facts of the case are briefly these :—

One Nanjiah was the baravarddar shanbhog of Lalanahalli and five other villages in the Yedatore taluk. After his death, the baravard was transferred to the name of his second son Samiah in 1858, the first son having died before his father. Samiah died in 1879 and the baravard was transferred to the name of his minor son Nanjundiah, who dying in minority, his mother Nanjamma was made baravarddar in 1882 and her son-in-law was appointed to work as her gumasta.

2. The plaintiffs, who are the sons of the original baravarddar Nanjiah, protested against the appointment of Nanjamma's son-in-law Narasimmiah at the time of his death, stating that he was not a trustworthy man and was likely to misappropriate Government money, and begged that one of the brothers might be appointed in the place of Narasimmiah (*vide* exhibits C. and F.). No consideration was paid to these protests. Subsequently Narasimmiah was dismissed for misappropriating Government money and Nanjamma, being answerable for the acts of her gumasta, was declared to have forfeited her hak to the office in 1888 by Mr. Ananda Rao, Deputy Commissioner.

3. Then the office was offered to the plaintiffs on condition of their paying the money misappropriated by Narasimmiah, but they declined to pay it as they had already represented to the authorities the consequences of appointing Narasimmiah. The amount was however recovered from the sale proceeds of Nanjamma's property, and the office was bestowed on the present holders, who were entire strangers to the family.

4. In October 1895 the plaintiffs Puttanna and Shamanna filed a suit in the Court of the 1st Assistant Commissioner, Mysore district, to recover the shanbhogi office from the defendants. That officer decreed in their favor, but on appeal the Deputy Commissioner, Mr. Madiah, reversed that decree. Hence the present appeal to Government.

DECISION.

The Deputy Commissioner's judgment reversing that of the 1st Assistant Commissioner cannot be upheld. The respondents, Thammiah and Krishnappa, are utter strangers to the family of the original hakdar Nanjiah who died in 1858, and their appointment in 1882, to the exclusion of the appellants, who are the sons of Nanjiah, by the Deputy Commissioner on the former agreeing to reimburse the amount embezzled by Narasimmiah, gumasta of Nanjamma, the baravarddar, was wrong and opposed to the policy of Government which has found expression in the decision of Government in Appeal No. 54 of 1893-94, (*vide* Selections No. VI of 1898, pages 166 and 167). The appellants put forward their claim to the shanbhogi in question when the registry was transferred to Nanjamma's name on the death of her minor son in 1883, and they also submitted from time to time protests against the appointment and continuance of Narasimmiah her son-in-law, as gumasta, but without effect. Nanjamma's hak having been declared forfeited in 1888 and the shanbhogi having become vacant, the appellants should have been given the hak. It was irregular on the part of the Deputy Commissioner to have rejected the claim of the appellants, on the ground that they were not willing to pay up the amount embezzled by the gumasta of the last holder of the hak and to have invited applications for the post from such persons as were prepared to make good the money. The appointment of the respondents, who are strangers, cannot be recognized, and this finding gains strength from the fact that they have not even the recommendation of having paid up any portion of the embezzled amount. The Deputy Commissioner's decision is therefore reversed, and that of the 1st Assistant Commissioner, restored. The appellants are accordingly declared, as against the respondents, hakdars of the two shanbhogi circles in question, and each will be given a circle as officiator.

No. 5731—PET. F. 86-97, DATED BANGALORE, 6TH FEBRUARY 1901.

ORDER—Copy of the above is forwarded to the Deputy Commissioner, Mysore district, with records.

2. To the Deputy Commissioners of other districts.

C SREENIVASIENGAR,
Secy. to Govt., Gen. & Rev. Depts.

Exd.—C.V.

(12)

1900-1901

GOVERNMENT OF MYSORE

PETITION

PROCEEDINGS

Dated 6th February 1901

No. 5731 / Pet. F. 86-97

Reversing the decision of the Deputy Commissioner, Mysore district, appointing Thammiah and Krishnappa, who are utter strangers to the family of the original baravarddar, to the shanbhogi office of Lalanahalli and five other villages in the Yedatore taluk.

SBP— 15-2-1901—200